

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

ROBERT LEE ALLEN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO.: 2:07-cv-90-ID
	)	
MR. WILLIE VAUGNER, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

The Magistrate Judge entered a Recommendation (Doc. #50) in this case to which no timely objections have been filed. After a review of the Recommendation, and after an independent review of the entire record, the Court believes that the Recommendation should be adopted. Accordingly, it is

ORDERED that the RECOMMENDATION (Doc. #50) of the Magistrate Judge is ADOPTED. Defendants' Motion for Summary Judgment (Doc. #28) is GRANTED to the extent Defendants seek dismissal due to Plaintiff's failure to exhaust available administrative remedies. It is further

ORDERED that Plaintiffs' complaint pursuant to 42 U.S.C. § 1983 is DISMISSED with prejudice, in accordance with the provisions of 42 U.S.C. § 1997e(a), due to Plaintiff's failure to exhaust an administrative remedy available to him during his confinement in the Lowndes County Jail. An appropriate judgment will be entered.

Done this 26<sup>th</sup> day of March, 2009.

/s/ Ira DeMent

SENIOR UNITED STATES DISTRICT JUDGE